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7 Hon. Barbara Rothstein
8 Hon. Michelle Peterson

9 **UNITED STATES DISTRICT COURT**
10 **WESTERN DISTRICT OF WASHINGTON**
11 **AT SEATTLE**

12 JAMES and SHAYLEE MEDICRAFT,
13 husband and wife and the marital
14 community thereof, themselves and on
15 behalf of their minor children: J.M., A.M.,
16 E.M., M.M. and N.M.,

17 Plaintiffs,

v.

18 THE STATE OF WASHINGTON, et al.,

19 Defendants.

20 NO. C21-1263-BJR-MLP

21 ORDER GRANTING
22 STIPULATED MOTION FOR
23 FRCP 35 MEDICAL EXAM OF
24 MINOR PLAINTIFF E.M

25 THIS MATTER has come before the Court on Defendants, the State of Washington,
26 Department of Children Youth and Families (DCYF); Tanessa Sanchez and John Doe Sanchez;
Tabitha Culp and John Doe Culp; Elizabeth Sterbick and John Doe Sterbick; Tabitha Pomeroy
and John Doe Pomeroy; Ross Hunter and Jane Doe Hunter; Bonnie White and John Doe White's
Stipulated Motion for FRCP 35 Medical Exam Of Minor Plaintiffs, said Defendants appearing
through Robert W. Ferguson, Attorney General, and Assistant Attorneys General, Peter Kay;
Tender Defense appearing through Paine Hamblen; Plaintiffs, appearing through their counsel,
Nathan J. Arnold; Defendants Derek Leuzzi and Jane Doe Leuzzi, appearing through their counsel,

Emma Gillespie and Kelsey Norman; Defendant Phoenix Protect Corp., appearing through their counsel, Eron Z. Cannon and Jesse C. Williams; Defendants Lufti Al Marfadi and Jane Doe Marfati, appearing through their counsel, Benjamin J. Lantz; and all parties having stipulated and the Court having considered the Stipulated Motion, and the agreed stipulation by all of the parties, and good cause appearing, now, therefore:

ORDERS and ADJUDGES the following:

1. The Independent Mental Exam of minor Plaintiff E.M. by Dr. Jill McGovern will be held as follows:

a. Date and time of Examination: Wednesday January 11, 2023 at 9:00 A.M and continuing as needed, with reasonable breaks, including time for lunch, until no later than 5:00 P.M.

b. Location of Examination: Charleston, South Carolina

c. Examiner: Dr. Jill McGovern, Ph.d.

d. Scope: The examination is to evaluate the Plaintiff's past mental and emotional trauma, adaptive functioning, current mental health/psychological concerns and any future mental health/psychological treatment. The examination will include a records review, the administration of valid and reliable testing routinely used by forensic mental health experts to evaluate minor children, rapport building, and a clinical interview. The examination will be conducted according to professional standards as to the examination of minors. No invasive tests, such as MRI's, blood testing, or X-rays shall be administered during the examination.

2. The Plaintiff may have a representative present, who is not a potential witness, friend, or a relative of the Plaintiff. The representative may observe, but may not interfere or obstruct the examination.

3. The examination may be audio taped or videotaped, as long as the recording is unobtrusive. However, no recording shall be permitted during the testing portion of the examination.

1 4. Any raw data for any testing performed shall be made available to the Plaintiff's retained
2 psychological expert(s) upon request.

3 5. Pursuant to FRCP 35, Plaintiff hereby requests, and Defendants shall produce, a signed
4 written report setting forth the examiner's findings, including diagnosis, conclusions, and the
5 results of any testing within forty-five (45) days of the examination.

6 DATED this 6th of January 2023.
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8 MICHELLE L. PETERSON
9 United States Magistrate Judge
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